

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUSTIN L. PARHAM,
Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

HYDROCHEM LLC,

Defendant.

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CIVIL ACTION NO. 4:19-cv-01413

COLLECTIVE ACTION

JURY TRIAL DEMANDED

PLAINTIFFS' INITIAL DISCLOSURES

In accordance with Federal Rule of Civil Procedure 26(a)(1), Plaintiff Justin Parham and opt-in Plaintiffs Alfonso Trevino, Chance Winfrey, Timothy Reeves and Pascual Lara respectfully make their Initial Disclosures, as follows:

A. Witnesses

The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

RESPONSE:

Persons likely to have discoverable information may include, but may not be limited to, the following:

Justin Parham
c/o Luisa F. Calderon
Dax F. Garza, P.C.
One City Centre
1021 Main Street, Suite 1400
Houston, Texas 77002
(713)522-3000 phone
(713)522-3001 fax

Plaintiff

Alfonso Trevino
c/o Luisa F. Calderon
Dax F. Garza, P.C.
One City Centre
1021 Main Street, Suite 1400
Houston, Texas 77002
(713)522-3000 phone
(713)522-3001 fax

Opt-in Plaintiff

Chance Winfrey
c/o Luisa F. Calderon
Dax F. Garza, P.C.
One City Centre
1021 Main Street, Suite 1400
Houston, Texas 77002
(713)522-3000 phone
(713)522-3001 fax

Opt-in Plaintiff

Pascual Lara
c/o Luisa F. Calderon
Dax F. Garza, P.C.
One City Centre
1021 Main Street, Suite 1400
Houston, Texas 77002
(713)522-3000 phone
(713)522-3001 fax

Opt-in Plaintiff

Timothy Reeves
c/o Luisa F. Calderon
Dax F. Garza, P.C.
One City Centre
1021 Main Street, Suite 1400
Houston, Texas 77002
(713)522-3000 phone
(713)522-3001 fax

Opt-in Plaintiff

Other Similarly Situated Employees to Plaintiff who were paid a salary and misclassified as exempt regardless of hours worked, and who were not paid overtime at a rate of time and one-half for hours worked over 40 hours in a workweek.

Addresses Unknown at this time.

HydroChem, LLC
Keith Zimmerman
Tammy Booker
Tammy Kaylor
Susan Moss
Aaron L. Rook
Unidentified employees
Custodians of records
c/o James M. Cleary, Jr.
Martin, Disiere, Jefferson & Wisdom, L.L.P.
808 Travis, 20th Floor
Houston, Texas 77002
Telephone: (713) 632-1700

Defendant, knowledge of both Plaintiff and Opt-in Plaintiffs' hours worked, type of work performed, and hours worked of potential class members who are similarly situated to Plaintiff.

B. Documents

A copy of, or a description by category and location of, all documents, electronically stored information, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

RESPONSE:

Payroll Records – Sporadic payroll records retained by Plaintiff and Opt-in Plaintiffs and produced by Defendant during the last three years that describe the hours worked by Plaintiff and the manner in which Plaintiff was paid.

Discovery continues and subsequent relevant documents may be produced by Plaintiff, Defendants, or both.

C. Computation of Damages

A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE:

Damages Applicable under the Fair Labor Standards Act.

Back Pay for Overtime Hours worked – Plaintiff is owed back pay for all hours worked in excess of 40 hours in a workweek. This overtime compensation is determined by multiplying the employee's regular rate by 0.5, and then multiplying that figure by the number of hours worked over 40 in the workweek. See 29 C.F.R. § 778.112; *Dufrene v. Browning-Ferris, Inc.*, 207 F.3d 264, 267-68 (5th Cir. 2000).

Overtime Pay = Total Hourly Wage Compensation During Workweek Including bonus
÷ Hours Worked × 0.5 × Hours Worked Over 40 During Workweek

Liquidated Damages – Plaintiff and Opt-in Plaintiffs are entitled to liquidated damages on Back Pay for Overtime Hours worked. Liquidated damages are an additional amount equal to the sum of the amounts of Back Pay for Regular Hours worked and Back Pay for Overtime Hours worked.

Reasonable Expert's Fees – Amounts incurred by the use of experts to assist in the development of Plaintiff and Opt-in Plaintiffs' case, which will be determined by the trier of fact.

Reasonable Attorney's Fees – Amounts incurred by Plaintiff and Opt-in Plaintiffs' attorneys in prosecuting this case, which will be determined by the trier of fact.

Costs of This Action – These costs will be the actual court costs incurred. Costs continue to accrue.

Dated: July 17, 2019

Respectfully submitted,

/s/ Luisa F. Calderon

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ATTORNEY-IN-CHARGE FOR PLAINTIFF

OF COUNSEL:

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ATTORNEYS FOR PLAINTIFF